

REMARKS

Claims 1, 2 and 4 have been canceled. Claim 3, 6, and 7, and amended claims 5 and 8 are in this application.

Claims 3-5 and 7-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,711,594 (Yano et al.), in view of U.S. Publication No. 2004/0172538 (Sato et al.), and in view of U.S. Publication No. 2002/0131423 (Chan et al.).

As previously indicated, independent claim 8 (from which claims 3-5 and 7 depend) has been amended herein. Such amended independent claim 8 includes features from claim 4 and additional features. As a result, such amended independent claim 8 now recites in part the following:

"an extraction circuit to extract attribute data from the number of files of stored digital data from the storage means, and to extract attribute data from a number of files of the digital data obtained from the external storage unit;

a comparison circuit to compare the attribute data extracted from the number of files of stored digital data from the storage means with the attribute data extracted from the number of files of digital data obtained from the external storage unit so as to determine which file or files pertaining to the digital data stored in the external storage unit have been updated since a previous back up operation such that a respective file or files of digital data which have been updated since being previously backed up in the external storage unit are stored in the external storage unit and such that a respective file or files of digital data which have not been updated since being previously backed up in the external storage

unit are not stored in the external storage unit; and" (Emphasis added.)

It is believed that the present application provides support for the features added to claim 8. With regard thereto, and as an example, reference is made to line 2 of page 8 to line 3 of page 9 of the present application.

It is respectfully submitted that the applied combination of Yano, Satoh and Chan does not appear to disclose all of the above features now recited in claim 8. As an example, in explaining the above 103 rejection with regard to claim 4, the Examiner asserted that Yano (and, in particular, line 58 of column 5 to line 13 of column 6, lines 24-52 of column 4, and lines 8-31 of column 13 thereof) disclose the comparison circuit of claim 8. In response thereto, it is respectfully submitted that such portions of Yano do not appear to disclose a comparison circuit which compares attribute data extracted from the number of files of stored digital data from the storage means with the attribute data extracted from the number of files of digital data obtained from the external storage unit so as to determine which file or files pertaining to the digital data stored in the external storage unit have been updated since a previous back up operation such that a respective file or files of digital data which have been updated since being previously backed up in the external storage unit are stored in the external storage unit and such that a respective file or files of digital data which have not been updated since being previously backed up in the external storage unit are not stored in the external storage unit as in claim 8. Although the portions of Yano relied on by the Examiner appear to mention storing information (such as size or URL information), such portions of Yano do not appear to disclose comparing such information to determine "which file or files

pertaining to the digital data stored in the external storage unit have been updated since a previous back up operation."

Accordingly, it is respectfully submitted that claim 8 as presented herein is distinguishable from the applied combination of Yano, Satoh and Chan. Since claims 3, 5 and 7 depend from claim 8, it is also respectfully submitted that claims 3, 5 and 7 are also distinguishable from the combination of Yano, Satoh and Chan applied by the Examiner for at least the same reasons.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al., in view of Satoh et al., in view of Chan et al., and in view of U.S. Publication No. 2003/0084290 (Murty et al.).

Claim 6 depends from claim 8. As such, it is respectfully submitted that claim 6 is distinguishable from the combination of Yano, Satoh and Chan applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Murty to overcome the above-described deficiencies of Yano. Accordingly, it is respectfully submitted that claim 6 is distinguishable over the applied combination of Yano, Satoh, Chan and Murty and, as such, it is requested that the above 103 of claim 6 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional rejections and/or objections which the Examiner might have.


Application No.: 10/800,561

Docket No.: SONYJP 3.0-1069

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 25, 2009

Respectfully submitted,

By 

Dennis M. Smid, Esq.

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant(s)

983562_1.DOC